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|  | U.S. ENVIRONMENTAL PROTECTION AGENCY Grant Agreement | | GRANT NUMBER (FAIN): 97749901 MODIFICATION NUMBER: 0 PROGRAM CODE: EQ | DATE OF AWARD 02/19/2016 |
| | | | TYPE OF ACTION New | MAILING DATE 02/26/2016 |
| | | | PAYMENT METHOD: ACH | ACH# pend |
| | | | RECIPIENT TYPE: Not for Profit | |
| RECIPIENT: Diesel Health Project Inc. 714 Mississippi Street Lawrence, KS 66044-2351 EIN: (b) (6) | | Send Payment Request to: U.S. Environmental Protection Agency - Las Vegas Finance Center 4220 S. Maryland Pkwy., Building C, Room 503 Las Vegas, NV 89119 Phone Contact: 702-798-2467 FAX: 702-798-2423 email: LVFC-grants@epa.gov | | |
| PAYEE: Diesel Health Project Inc. 714 Mississippi Street Lawrence, KS 66044-2351 | | | | |
| PROJECT MANAGER Eric Kirkendall 714 Mississippi Street Lawrence, KS 66044-2351 E-Mail: (b) (6) Phone: (b) (6) | EPA PROJECT OFFICER Tamara Freeman 11201 Renner Boulevard Lenexa, KS 66219 E-Mail: Phone: 913-551-7094 | EPA GRANT SPECIALIST Connie Allen Grants Management Office, PLMG/RFMB/GRMS E-Mail: Allen.Connie@epa.gov Phone: 913-551-7363 | | |
| PROJECT TITLE AND DESCRIPTION Building Community Capacity to Protect Air Quality and Environmental Health The purpose of this project is to build an interdisciplinary and collaborative regional coalition, the MoKan Clean Air Coalition, focused on environmental health issues caused by air pollution to help environmental justice communities in Kansas City, Kansas build sustainable capacity to identify environmental justice problems and enhance problem-solving to protect themselves from air pollution, particularly traffic related air pollution from freight transportation. | | | | |
| BUDGET PERIOD 01/01/2016 - 04/30/2017 | PROJECT PERIOD 01/01/2016 - 04/30/2017 | TOTAL BUDGET PERIOD COST \$29,816.00 | TOTAL PROJECT PERIOD COST \$29,816.00 | |
| NOTICE OF AWARD | | | | |
| Based on your Application dated 01/09/2015 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$29,816. EPA agrees to cost-share 100.00% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$29,816. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA regulatory and statutory provisions, all terms and conditions of this agreement and any attachments. | | | | |
| ISSUING OFFICE (GRANTS MANAGEMENT OFFICE) | | AWARD APPROVAL OFFICE | | |
| ORGANIZATION / ADDRESS Grants Management Office 11201 Renner Boulevard Lenexa, KS 66219 | | ORGANIZATION / ADDRESS Environmental Protection Agency Office of the Regional Administrator 11201 Renner Boulevard Lenexa, KS 66219 | | |
| THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY | | | | |
| Digital signature applied by EPA Award Official Deborah K. Titus - Grants Management Officer | | | | DATE 02/19/2016 |

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| FUNDS | FORMER AWARD | THIS ACTION | AMENDED TOTAL |
|-------------------------------|--------------|-------------|---------------|
| EPA Amount This Action | \$ | \$ 29,816 | \$ 29,816 |
| EPA In-Kind Amount | \$ | \$ | \$ 0 |
| Unexpended Prior Year Balance | \$ | \$ | \$ 0 |
| Other Federal Funds | \$ | \$ | \$ 0 |
| Recipient Contribution | \$ | \$ | \$ 0 |
| State Contribution | \$ | \$ | \$ 0 |
| Local Contribution | \$ | \$ | \$ 0 |
| Other Contribution | \$ | \$ | \$ 0 |
| Allowable Project Cost | \$ 0 | \$ 29,816 | \$ 29,816 |

| Assistance Program (CFDA) | Statutory Authority | Regulatory Authority |
|--|-------------------------------|---------------------------------------|
| 66.604 - Environmental Justice Small Grants Program for Community Research | Clean Air Act: Sec. 103(b)(3) | 2 CFR 200 2 CFR 1500 and 40 CFR 33 |

[illegible]

Administrative Conditions

1. General Terms and Conditions

The recipient agrees to comply with the current EPA general terms and conditions available at:

http://www.epa.gov/sites/production/files/2016-01/documents/general_tc_as_of_1-27-16.pdf

These terms and conditions are in addition to the assurances and certifications made as a part of the award and the terms, conditions or restrictions cited throughout the award.

The EPA repository for the general terms and conditions by year can be found at:

<http://www.epa.gov/grants/grant-terms-and-conditions>.

2. Payment Frequency

Recipient agrees to submit, at a minimum, a quarterly billing (payment) request(s) to the EPA, for all eligible, allowable, allocable, necessary and reasonable costs which are incurred for this project/program. A payment request is not required to be submitted in the event that the recipient has not incurred such costs during the quarterly period, but more frequent payments may be requested as costs are incurred.

3. Unpaid Federal Tax Liabilities and Felony Convictions

This award is subject to the provisions contained in the Consolidated Appropriations Act, 2014, Public Law 113-76, Division G, Title IV, Sections 422 and 423 regarding unpaid federal tax liabilities and federal felony convictions, which also have been included in prior appropriations acts. Accordingly, by accepting this award the recipient acknowledges that it: (1) is not subject to any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, and (2) has not been convicted of a felony criminal conviction under any Federal law within 24 months preceding the award, unless EPA has considered suspension or debarment of the corporation based on these tax liabilities or convictions and determined that such action is not necessary to protect the Government's interests. If the recipient fails to comply with these provisions, EPA will annul this agreement and may recover any funds the recipient has expended in violation of Sections 422 and 423.

4. DBE Requirements

UTILIZATION OF SMALL, MINORITY AND WOMEN'S BUSINESS ENTERPRISES (MBE/WBE)

GENERAL COMPLIANCE, 40 CFR, Part 33

The recipient agrees to comply with the requirements of EPA's Disadvantaged Business Enterprise (DBE) Program for procurement activities under assistance agreements, contained in 40 CFR, Part 33.

REPORTING PROVISION

MBE/WBE reporting is required annually for assistance agreements where there are funds budgeted for procuring construction, equipment, services and supplies, including funds budgeted for direct procurement by the recipient or procurement under subawards or loans in the "Other" category, that exceed the threshold amount of \$150,000, including amendments and/or modifications.

Based on EPA's review of the planned budget, this award does not meet the condition above and

is ***not*** subject to the reporting requirements of the Disadvantaged Business Enterprise (DBE) Program. However, if during the performance of the award the total of all funds expended for direct procurement by the recipient and procurement under subwards or loans in the “Other” category exceeds \$150,000, annual reports will be required in accordance with the reporting paragraph below and you are required to notify your grant specialist for additional instructions.

The recipient also agrees to request prior approval from EPA for procurements that may activate DBE Program reporting requirements.

This provision represents an approved deviation from the MBE/WBE reporting requirements as described in 40 CFR, Part 33, Section 33.502; however, the other requirements outlined in 40 CFR Part 33 remain in effect, including the Good Faith Efforts requirements as described in 40 CFR Part 33 Subpart C and Fair Share Objectives negotiation as described in 40 CFR Part 33 Subpart D and explained below.

MBE/WBE REPORTING, 40 CFR, Part 33, Subpart E

When required, MBE/WBE reports must be submitted annually. The recipient agrees to complete and submit a “MBE/WBE Utilization Under Federal Grants, Cooperative Agreements and Interagency Agreements” report (EPA Form 5700-52A) on an annual basis. All procurement actions are reportable, not just that portion which exceeds \$150,000.

When completing the annual report, recipients are instructed to check the box titled “annual” in section 1B of the form. For the final report, recipients are instructed to check the box indicated for the “last report” of the project in section 1B of the form. Annual reports are due by October 30th of each year. Final reports are due by October 30th or 90 days after the end of the project period, whichever comes first.

The reporting requirement is based on total procurements. Recipients with expended and/or budgeted funds for procurement are required to report annually whether the planned procurements take place during the reporting period or not. If no budgeted procurements take place during the reporting period, the recipient should check the box in section 5B when completing the form.

MBE/WBE reports should be sent to R7Grants@epa.gov. The current EPA Form 5700-52A can be found at the EPA Office of Small Business Program’s Home Page at http://www.epa.gov/osbp/dbe_reporting.htm

FAIR SHARE OBJECTIVES, 40 CFR, Part 33, Subpart D

This assistance agreement is a Technical Assistance Grant (TAG); or the award amount is \$250,000 or less; or the total dollar amount of all of the recipient’s financial assistance agreements from EPA in the current Federal fiscal year is \$250,000 or less. Therefore, the recipient of this assistance agreement is exempt from the fair share objective requirements of 40 CFR, Part 33, Subpart D, and is not required to negotiate fair share objectives/goals for the utilization of MBE/WBEs in its procurements.

SIX GOOD FAITH EFFORTS, 40 CFR, Part 33, Subpart C

Pursuant to 40 CFR, Section 33.301, the recipient agrees to make the following good faith efforts whenever procuring construction, equipment, services and supplies under an EPA financial assistance agreement, and to require that sub-recipients, loan recipients, and prime contractors also comply. Records documenting compliance with the six good faith efforts shall be retained:

(a) Ensure DBEs are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities. For Indian Tribal, State and Local and Government recipients, this will include placing DBEs on solicitation lists and soliciting them whenever they are potential sources.

(b) Make information on forthcoming opportunities available to DBEs and arrange time frames for contracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by DBEs in the competitive process. This includes, whenever possible, posting solicitations for bids or proposals for a minimum of 30 calendar days

before the bid or proposal closing date.

(c) Consider in the contracting process whether firms competing for large contracts could subcontract with DBEs. For Indian Tribal, State and local Government recipients, this will include dividing total requirements when economically feasible into smaller tasks or quantities to permit maximum participation by DBEs in the competitive process.

(d) Encourage contracting with a consortium of DBEs when a contract is too large for one of these firms to handle individually.

(e) Use the services and assistance of the SBA and the Minority Business Development Agency of the Department of Commerce.

(f) If the prime contractor awards subcontracts, require the prime contractor to take the steps in paragraphs (a) through (e) of this section.

CONTRACT ADMINISTRATION PROVISIONS, 40 CFR, Section 33.302

The recipient agrees to comply with the contract administration provisions of 40 CFR, Section 33.302.

BIDDERS LIST, 40 CFR, Section 33.501(b) and (c)

Recipients of a Continuing Environmental Program Grant or other annual reporting grant, agree to create and maintain a bidders list. Recipients of an EPA financial assistance agreement to capitalize a revolving loan fund also agree to require entities receiving identified loans to create and maintain a bidders list if the recipient of the loan is subject to, or chooses to follow, competitive bidding requirements. Please see 40 CFR, Section 33.501 (b) and (c) for specific requirements and exemptions.

Programmatic Conditions

1. Recipient agrees to provide Quarterly Performance Reports, for all activities identified in the work plan, including those performed by the Recipient through Interagency Agreements and sub-agreements in accordance with 40 CFR 30.51 or 40 CFR 31.40, whichever is applicable.

Performance reports submitted under the agreement will contain at a minimum:

- i. A comparison of actual accomplishments to the outputs/ outcomes established in the work plan for the performance period;
- ii. The reasons for slippage if established outputs/ outcomes were not met; and,
- iii. Additional pertinent information including, when appropriate, analysis and explanation of cost overruns or high unit costs.

These reports shall be due no later than thirty (30) days after the end of each reporting period. The final performance report is due to the EPA project officer (PO) within ninety (90) days after the expiration of the project period.

Questions, concerns, and/ or notification of any problems or delays should be directed to the EPA PO listed on the first page of your assistance award or assistance amendment document.